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## FACSIMILE TRANSMITTAL SHEET

**TO:** Examiner MELANIE R. TYSON

**FIRM/COMPANY:** Mail Stop Amendment

**FACSIMILE NUMBER:** 571 273-8300

**CONFIRMATION  
TELEPHONE:**

**FROM:** Ruth Der, Paralegal

**DIRECT DIAL:** 415.957-3031

**DATE:** October 16, 2006

**USER NUMBER:**

**FILE NUMBER:** Atty. Docket No. R0368-04000, Serial No. 10/716,329

**TOTAL # OF PAGES:** 5  
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**MESSAGE:** Attached is *Response To Restriction And Election Of Species Mailed 10/02/2006.*

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

Examiner: Melanie R. Tyson

Group Art Unit: 3731

For: **TENACULUM-LIKE DEVICE FOR  
INTRAVAGINAL INSTRUMENT  
DELIVERY**

Serial No.: 10/716,329

Filed: November 18, 2003

Atty. Docket No.: R0368-04000

**TRANSMITTAL**

## CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300, Mail Stop Amendment, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450 Attn: Melanie R. Tyson on 10/16/2006 in San Francisco, CA.

By: 

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are the following:

X Response To Restriction Requirement And Election of Species Mailed  
10/02/2006.

2. Payment of Fees

X There are no fees due with this communication. Should the commissioner find otherwise, the Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0368-04000. A duplicate copy of this transmittal is enclosed for this purpose.

Respectfully,

By: 

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PATENT

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In re the application of	)	Examiner: Melanie R. Tyson
Burbank et al.	)	
	)	Group Art Unit: 3731
For: TENACULUM-LIKE DEVICE FOR	)	
INTRAVAGINAL INSTRUMENT DELIVERY	)	
Serial No.: 10/716,329	)	<b><u>RESPONSE TO RESTRICTION</u></b>
Filed: November 18, 2003	)	<b><u>AND ELECTION OF SPECIES</u></b>
	)	<b><u>MAILED 10/02/2006</u></b>
Docket No.: R0368-04000	)	

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By: 

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 2, 2006 in the above-referenced application, the Examiner required a restriction to one of the following inventions:

- I. Claims 1-37, 40-46, and 48-53, drawn to a device, classified in class 606, subclass 119.
- II. Claims 38-39 and 47, drawn to a method, classified in class 128, subclass 898.

In response to this restriction requirement, Applicants hereby elect to prosecute claims 1-37, 40-46 and 48-53 drawn to a device. Claims 38-39 and 47 directed to a method are to be withdrawn.

The Examiner has also put forth an election requirement between the species within Invention I listed in the following:

- I. Species I depicted in Figure 1, wherein the handles on the tenaculum-like device are not removable.

II. Species II depicted in Figure 2, wherein the handles on the tenaculum-like device are removable.

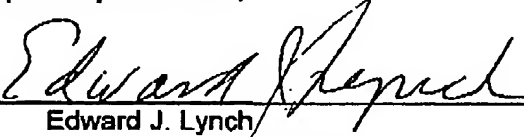
III. Species III depicted in Figure 3, having an occlusion clamp.

IV. Species IV depicted in Figure 4, having an alternative tissue grasping mechanism.

V. Species V depicted in Figure 8, having an alternative occlusion clamp.

Applicants elect the species of Figure 3 having an occlusion clamp. Claims 34-36 read on the elected species.

Respectfully submitted,

By:   
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